

PATENT

15 the cylindrical rings having a delivery diameter and
an implanted diameter so that as the cylindrical rings are expanded
from the delivery diameter to the implanted diameter at least some
of the substantially U-shaped members project radially outwardly.

REMARKS

Claims 25-37 are pending in the application. Claim 1 has been canceled. The pending claims have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 4,515,154. A Terminal Disclaimer is being filed concurrently herewith to disclaim that portion of the patent issuing from this application that would extend beyond the expiration of U.S. Patent No. 5,514,154.

Claims 25-28 and 31-37 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Schatz (U.S. Patent No. 5,195,984) in view of Tower (U.S. Patent No. 5,161,547). Independent claims 25 and 37 have been amended to recite that the cylindrical rings have a delivery diameter and an implanted diameter so that as the cylindrical rings are expanded from the delivery diameter to the implanted diameter, at least some of the substantially U-shaped members project radially outwardly. The cited prior art to Schatz and Tower do not teach or disclose to a person skilled in the art a plurality of U-shaped members that project radially outwardly as the stent is expanded from a delivery

PATENT

diameter to an implanted diameter. Indeed, it is believed by Applicants that none of the prior art references of record discloses the claimed invention.

It is noted that dependent claims 29 and 30, which recite that at least portions of the U-shaped members project radially outwardly, have not been rejected under § 103. Thus, it is believed that the Examiner has acknowledged that these claims are patentable over the art with the only rejection being based on the obviousness-type double patenting rejection, which is overcome by the Terminal Disclaimer. Accordingly, it is believed that all of the pending claims, 25 through 37 are patentable over the art.

In view of the foregoing, it is respectfully urged that claims 25-37 are patentable and reconsideration is earnestly solicited. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of the application.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:

John S. Nagy
Registration No. 30,664

JSN:jeb

10877 Wilshire Boulevard, Tenth Floor
Los Angeles, California 90024
(310) 824-5555